

QUID NOVI

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QUID NOVI

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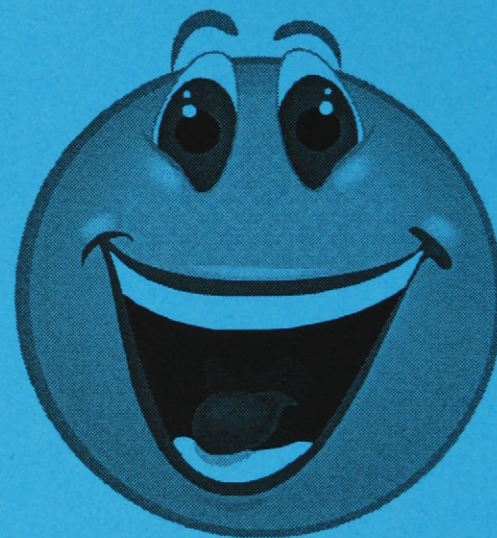
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EDITORIAL

by **Andrea Gorys (Law III)**
Co-Editor-in-Chief

To be honest i've been running around a lot lately and keeping my bearings has been quite an endeavor! But that's a fact of life. What matters is that we have fun even though we have midterms and assignments and readings to catch up on. We have to make time for things we enjoy doing otherwise we lose ourselves and get caught up in everything else that is happening in our lives. So go out with your friends, go to the gym, take an afternoon off and take care of yourself! And if you have a cold - take care of that too! I know i've been battling a head cold right now and i've always found orange juice and chicken noodle soup to help me - oh and of course get your rest! You won't be useful to yourself or to anyone else if you don't take care of both your body, your mind and your spirit. That's all for now folks. Enjoy this week's Quid Novi!



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LES JEUNES ET LA POLITIQUE: UN ÉCHANGE RÉCIPROQUE

par Isabelle Nadeau (LAW II)

C'est bien connu, le Parti libéral du Québec réserve le tiers des voix de sa plus haute instance décisionnelle aux jeunes de la Commission-Jeunesse. Cela démontre l'importance qu'accorde cette formation politique aux jeunes. Mais pourquoi en est-il donc ainsi ? Pourquoi la participation des jeunes en politique est-elle si cruciale ?

Si le PLQ donne aux jeunes beaucoup d'importance, c'est parce que les jeunes apportent beaucoup à la politique, notamment par leurs idées nouvelles. En effet, les jeunes de Commission-Jeunesse n'hésitent jamais à proposer des résolutions innovatrices qui apportent des solutions appropriées et concrètes aux problèmes rencontrés par les Québécois. On peut penser à la résolution présentée par les jeunes libéraux qui demande au gouvernement de percevoir des redevances sur l'eau du Québec, une ressource précieuse, qui est actuellement embouteillée puis vendue sans que les Québécois n'en tirent le moindre bénéfice. Aussi, les idées des militants de la Commission-Jeunesse sont souvent audacieuses. Les

jeunes libéraux n'ont pas peur d'affronter des problématiques sensibles et controversées mais ce, toujours dans le respect. Un bon exemple de cela est la position de la Commission-Jeunesse sur le dégel des frais de scolarité. En effet, la Commission-Jeunesse prône un dégel responsable qui devrait être accompagné d'une révision du programme de prêts et bourses pour tenir compte de la capacité de payer des moins nantis. De plus, la CJ ne renonce pas, contrairement aux péquistes, à se questionner sur les acquis du passé afin de vérifier leur pertinence dans le contexte d'aujourd'hui. Une illustration de ce courage politique est la position des jeunes militants libéraux au sujet de l'abolition de la formule Rand qui, telle qu'elle existe présentement, oblige tout nouvel employé d'une entreprise syndiquée à adhérer au syndicat en place. C'est là une situation qui a de quoi faire sursauter bien des gens, et les jeunes libéraux s'interrogent à son sujet sans crainte de bouleverser le statu quo. Bref, les jeunes s'assurent, par leurs idées originales et rafraîchissantes, que la politique se réinvente

constamment pour demeurer près des préoccupations de la société québécoise moderne.

Les jeunes sont donc essentiels à la vitalité de la politique. Cependant, une question demeure entière : Pourquoi les jeunes, déjà plutôt occupés par leurs études ou leur travail, acceptent-ils de s'impliquer en politique ? Si les jeunes ont une place prépondérante dans la vie politique, pourquoi la vie politique occupe-t-elle une place de choix dans la vie des jeunes libéraux ?

Tout comme les jeunes sont bénéfiques à la politique, la politique peut aussi apporter bien des choses positives à ses militants. D'abord, la politique permet aux jeunes militants de faire cheminer leurs idées pour les voir se matérialiser. C'est une opportunité unique de changer les choses *pour vrai*. Un bel exemple d'une réalisation majeure d'un jeune militant libéral est l'enseignement de l'anglais dès la première année du primaire qui est maintenant une réalité depuis septembre 2006. En plus de permettre aux jeunes de contribuer

réellement à l'amélioration de la société québécoise, la politique donne l'occasion aux militants de parfaire leurs aptitudes sociales. En effet, en militant à la Commission-Jeunesse, les jeunes libéraux rencontrent de nouvelles personnes avec qui ils nouent souvent des liens forts et durables. Aussi, l'implication à la CJ, c'est un travail d'équipe qui naît d'une passion et d'un but communs. En collaborant aux projets de la CJ, on apprend à faire confiance aux autres, à travailler avec leurs forces et leurs faiblesses, à s'entraider, à partager les réussites. Un passage à la Commission-Jeunesse est donc pour les jeunes une aventure enrichissante tant sur le plan politique que personnel.

La Commission-Jeunesse du PLQ est présentement en train de mettre sur pieds un comité libéral étudiant à l'Université McGill. Ne manquez surtout pas cette chance de vous impliquer, car la politique a besoin de vous et sera pour vous une expérience mémorable. Contactez Sabereen Munir à [s a b e r e e n . m u n i r @ m a i l . m c g i l l . c a](mailto:sabereen.munir@mail.mcgill.ca). ■

COLD-BLOODED: PREVENTING GENOCIDE REQUIRES SACRIFICING PRINCIPLES

Reflections on the Global Conference on the Prevention of Genocide

by Sam Walker (LAW III) Human Rights Working Group
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hrwg

Last week McGill was privileged to host the Global Conference on the Prevention of Genocide, the first major non-governmental gathering on the topic. Amongst the speakers and delegates from over 35 different countries, there was also an International Young Leaders Forum of 36 youth from around the world.

The Young Leaders seemed to grasp something the majority of their older counterparts could not: the need to look forward, to prevent rather than to react. While the Conference featured much productive discussion of past (Rwanda, Bosnia) and current (Darfur) failings, the Young Leaders spent most of their time discussing the "next" genocide. They issued a declaration called the "Responsibility to Prevent." It stated in part: "Our success will be measured by atrocities that do not occur." While most of us are inextricably drawn to becoming the proverbial white knights – sensationalist visions of mass military intervention in Darfur, for example – a strategy of prevention involves no headlines, little glory and much uncertainty.

It is a radical idea, but not an entirely new one. McGill's Centre for Human Rights and Legal Pluralism included the word *prevention* in the conference title with the hope of re-framing the de-

bate. The UN has also recently created a Special Adviser on the Prevention of Genocide.

Prevention is a strategy founded in pragmatism. Discrete actions designed to nip germinating atrocities in the bud make up in cost-effectiveness and political expediency what they lack in visibility and quantifiable measures of success. As Professor Payam Akhavan has suggested, simply jamming the Rwandan *génocidaires'* only means of mass communication in the early stages – Radio Milles Collines – could have saved countless lives.

The Conference's best moments came when similar concrete ideas arose. Gérard Prunier suggested that the easiest way to end the genocide in Darfur would be to send "guns and money" to the rebels fighting the *jan-jaweed*. Howard Wolpe recounted how he helped defuse a potential conflict in Burundi by bringing warring factions to the negotiating table. Christian Mumenthaler of the massive insurance company Swiss Re testified that the corporate world can pitch in by implementing clear and feasible targeted divestment policies. The Young Leaders pledged to meet again in Ethiopia, where they see a potential crisis emerging.

All of these strategies involve a certain compromise

of principles, whether it be sacrificing an unbending allegiance to peaceful alternatives, swallowing one's pride to negotiate with brutal enemies, restricting free trade, or violating sacrosanct state sovereignty long before atrocities give one an excuse to intervene (as in the Rwanda radio example).

My favourite idea in this vein, which was mentioned only briefly at the Conference, is that the UN – or, better yet, a massive, broad-based Internet fundraising campaign – should hire mercenaries to protect refugee camps in Darfur and eastern Chad. While the international community enters its infuriating 5th year of handwringing over Darfur, a private security firm could have boots on the ground in weeks.

Unfortunately, the recent Blackwater controversy in Iraq has tainted all debate on this issue. Others, as Prince Zeid Al-Raad told me, worry that it would give states yet another convenient excuse for shirking their responsibilities. Most activists get nervous when you mention it and change the subject.

You have to wonder where our priorities have gone. While politicians – see Michael Ignatieff on his R2P panel – somewhat understandably hem and haw about how hard and compli-

cated all this business is, hundreds die every day. Should not any other concerns we have, even deeply held values we may cherish, pale in comparison to this moral imperative? If your family were about to be slaughtered down the street, and the police refused to respond, would you thumb your nose at the idea of paying even the seediest looking mafioso to intervene?

The world is messy. We cannot stubbornly adhere to abstract principles if our ultimate allegiance is to saving lives. As Yehuda Bauer said at the Conference, we must respond to genocide with "cold-blooded, cold-headed" thinking.

A policy of prevention will mean we must act quicker, more often and with less caution – though the earlier we act, the smaller the risk. Solving other problems, like the crisis in Darfur, requires that we grasp what is at stake and reverse the angst-ridden presumption in favour of inaction.

Send in the mercenaries.

You can view full audio and video of the proceedings of the Global Conference on the Prevention of Genocide at: www.efchr.mcgill.ca

ROMEO'S OTHER TRAGEDY

by N. Désirée Akhavan (LAW ?)

Anger wiped away my tears as Esther Mujawayo's compelling testimony shifted tones. I had just heard three other survivors describe in vivid detail the physical and psychological hardships they were forced to endure, which sent chills up my spine and tears down my face. Esther was the last of the survivors to speak at the opening ceremonies of the 2007 Global Conference on the Prevention of Genocide. On the big screen behind her was projected a photograph of her and her husband's family; out of the many happy faces in the picture, only she and her daughter had survived the genocide. But beyond the pain and suffering that she and the other survivors had endured, what touched me most was the honest anger with which Esther spoke. She spoke to all seven hundred of us in the audience as if conversing with a single person. She told us – me – that I knew what the situation was, and that I did nothing. The world did nothing. It was not a lack of information. It was a lack of will that enabled Romeo's

other tragedy to occur, this time not in Italy, but in Rwanda.

General Romeo Dallaire, Commander of the UN peacekeeping force sent to Rwanda in 1993 following a civil war, had done what he could within his mandate to prevent a genocide; to the country's detriment, his warnings were ignored, and a tragic genocide ensued. Now Senator Dallaire sat before us on the stage, a charming white-haired, mustached man, who, while not a Rwandan, had been affected by the Rwandan genocide nonetheless. Yes, he was a General, and he had worked in Rwanda. But who is to say that those of us who have never been to Rwanda have not been affected by occurrences in the country? Anyone who acknowledges the growing interdependency of states can tell you that we are all affected, in one way or another, by the goings on across the globe. The victims and survivors of genocide each have names and families. And regardless of those names and whether or not we can pronounce

them, they are all part of the human family.

Senator Dallaire recounted the story of a child he came across in Rwanda. Children would often be forced into the streets in order to stop convoys, which would subsequently be ambushed. One of these times, there was a single child in the street. Ready for an ambush, the truck stopped, the men got out, and in the confusion, the child was lost. The young boy was later found in a hut, sitting amidst his slaughtered family. General Dallaire took the boy outside to the truck. He looked at him and saw a young child with a bloated belly, covered with flies and scars. The Senator, having painted this vivid picture, continued, "And then I looked into his eyes. And in them, I saw what I had seen in the eyes of my own four year-old boy before I left for Africa. They were the same. They were both human."

It was not a lack of information that allowed the genocide to continue. It was a lack of will. A lack of recog-

nition that injury to one Rwandan family is injury to the human family as a whole. That one day, we could be intimately connected with survivors of the genocide. That these survivors could be our friends, our colleagues, and – had we acted – the victims could have been too.

And now that we know this, how can we turn our backs on Rwanda again? Esther implored us. We cannot let those who have survived be forgotten. They still need our help. Her words, each and every one spoken with courage and strength, made all of us think. Each survivor has a story. Each has a past, a present, and, with our help, can have a future. They have been given a second chance to live, and we have been given a second chance to act. Esther and her friends have organized The Association of Widows of the Genocide (AVEGA), and there are many other ways in which we can all help, in which we can contribute to rebuilding lives and to preventing yet another genocide. All it takes is the will. ■

FORSAKEN

by N. Désirée Akhavan (LAW ?)

I look into your eyes and I see fear,
And sorrowful longing for those you hold dear.
A deeper look leads me to strength
And courage to fight at any length.
Your cry I hear deep into the night,
Singing the song of your lost soul's plight,
Lost in the darkness of the hearts of men,
Who play with your lives because they can.
Your song grows louder with every day,
Joined by those others who can only pray...
Pray for the sun to rise,
And for our helping hands to stop their cries.

I look once more to see your strength, faded;
Our hands, unfaithful, your courage, abated.

I listen once more throughout the night,
But my heart can hear your cries no more.
Silent and still, almost as before,
Alas, we gave up without a fight.

Dedicated to the victims of the genocide. May we not fail those they left behind.

POEM

by Anonymous

we knew each other before we met.
we lived each other's lives in tandem,
649 kilometres apart on the saint lawrence river.
we were the same people before we were people.

just once i'd like to wake up next to her
blossoms of blonde would sprout on my pillow, flower in my arms.
just once i'd like to feel the curve of her body next to mine in the night,
and smell her perfume linger under my covers the night after.

i go with her, on the bus to mile end, to the atwater market
to the mountain to and show her secret statues of montreal's hippest.
but she has a boyfriend in toronto, we've both got contracts readings,
and i've now got the law school blues of an unrequited crush.

SERMON ON THE MOUNT OF PEEL AND DR. PENFIELD

by Ryan Kirshenblatt (Grad Law II)

FIRST YEARS! YES, YOU! Glad I've got your attention. Unlike being in class, while you're reading this and holding this edition in your hand I presume you can't be on Facebook at the same time. I feel I've been neglecting you. Here I am writing columns concerning firm recruiting and the like, and the whole time you guys are running the halls of this faculty, finding your way through the first weeks of a new education, joining clubs and such, and maybe – just maybe – you might have a few concerns of your own that can't be solved just yet by a job offer. I promised myself I'd pass on some perspective as I get longer in the tooth with each passing year of legal education.

My call to the bar does qualify me to give advice, but I'm not sure if this was the kind of advice they had in mind. I can't tell you how to get straight A's, but I can tell you how to make the most of law school such that if you don't get straight A's, you won't take a flying

leap off the top of building. The Quid does a lousy job of marking my headings to give your eyes a break, so I'll have to use caps this time just in case the underlining doesn't come through.

WHAT AM I DOING HERE?

Sometime around November, some students have a slight panic attack. This is entirely normal, unless you've been having this attack since they gave you that Orientation schedule. The panic attack usually consists of second thoughts about what the hell you're doing, and the suspicion that the admission committee made a terrible, terrible mistake letting you in here. To be sure, this line of study takes some getting used to – but so did your undergrad education as well. Or CEGEP – the quasi-undergrad. You'll start seeing the word "quasi" a lot more now that you're in law school. Relax though. The committee made no bigger a mistake letting you in here than it did letting me in here. Take that how you like. I haven't been thrown

out yet, so take solace in that.

HOW DO I LEARN THIS STUFF?

Law is a really weird thing to study. Chances are you got into law school in part of your high grades, some of which (if not many) were achieved in courses where the evaluation was multiple choice, or a term paper in which you spouted back exactly what the professor was looking for, and succeeded admirably. Now you're here trying to learn a bunch of principles from cases that at the same time make perfect and no sense. You may be realizing that there are no 'right' answers in law school, unlike in undergrad. It seems the only correct answer is "it depends." Sometimes this breeds fear that you're "not getting it." Try and get away from right and wrong. Law is really a lot of argument. Some are believable, and some less so. What you're really here to learn is not just law, but judgment. Judgment takes time, and it takes experience. But when you get better at it, you'll

start to see some results. Judgment might not make you the best law student around, but it will make you a much savvier lawyer. You'll eventually learn that being a great law student doesn't always translate into a being a great lawyer. This is why they call it "practicing" law. You have to keep doing it to get really good at it.

In some ways, learning law is really no different than a cross between Aesop's Fables and learning how to play a board game like Monopoly or chess. Each day in class you learn a story about how two people argued over something, and from there you learn the moral of the story. You can probably find a few morals, and that's good. In fact this skill is one you've practiced since childhood. When He-Man appeared in a forest at the end of the episode and discussed a valuable lesson with Orco, you already knew what it was just from watching the show. You saw the same thing in GI Joe – "knowing is half the battle." These

morals of the stories become other rules that you learn – and the breadth of their application can be wide or narrow. It's usually somewhere in between. Other days you'll learn the pieces of the game, like the Monopoly car, wheelbarrow, or thimble. You learn what happens when you land on Chance, a Utility, or Free Parking. You'll also get your first lesson later about Municipal Law when Community Chest deals you a card imposing property taxes and repairs – but that's for another day. Anyway, each time you read a case, you're learning a new rule of the game. On the final exam, your professor puts a board in front of you, and says "Play."

But it's more than that in law school. Not only will you learn your way around the board, but soon you'll start asking questions (or being asked questions) concerning things like "Why are all the expensive properties on the same side of the board?" "Should someone get all that money just for landing on Free Parking when most of the money in there was from the property taxes that I paid?" "Is it

right that all one has to do to collect \$200 is pass Go?" These are higher-order questions designed to get you thinking about not just whether the rules of the game are fair, but how you might decide to change them and make the game better for everyone.

DOES THIS THEORY STUFF MATTER OUTSIDE THIS BUILDING?

It depends. See – it's coming at you already. So does the theory matter? For the most part, no. You'll learn your share of it while you're a law student, but if your career involves transactional work and general litigation, you're usually concerned with "what is the law today," which you already know from your general principles and learning your cases. They'll come in handy one day, I promise. If you wind up working at a think-tank or some policy office of the Department of Justice, Office of the Crown Attorney, or any regulatory body like the Ontario Securities Commission, this theory stuff will be more helpful. Personally, I do believe that theory matters. It's probably because I'm a graduate student who's

doing his research in legal theory and so this *has* to matter! Anyway, theory matters because it helps you explain things. You can't draw similarities and make predictions about how things will turn out if you don't have some kind of theory that you rely on. To determine whether it'll be sunny on Friday involves in part a theory about weather patterns. To determine where the law is headed in five years requires foresight that's partly informed by the theory of the subject matter you're learning about. The theory is important because it helps you make sense of what's in front of you. Otherwise you're just memorizing things, but not really understanding them. That's the difference between a lackey and professional. Think of *The Matrix* (yes, I know it's used as a metaphor for hundreds of other phenomena) and how everyone in the ship looks at the computer screen and sees a bunch of letters and characters falling down the monitor. Then in the end, Neo enters the subway station (wait, I'm in Montreal, METRO station) and he sees the same letters but they

fall in shapes of a subway station, people, objects, etc. He can make sense of the confusion on the monitor. That's knowing your theory. Knowing your theory is very important if you want to have a strong appellate practice, and want your cases appearing in a textbook one day.

Lastly, theory adds a particular enrichment to your legal education. If you just learned laws, this faculty would be a glorified trade school. You have to learn a little bit about this legal system that you're becoming a part of. It's a pretty awe-inspiring thing if you look at it from the right angle.

HOW IMPORTANT ARE MY GRADES?

I'd be lying if I said they didn't matter, but if I'm lying I'm a good lawyer, right? I admit it, grades are important – but like any rule you're learning in law school, remember the application can be broad or narrow. If all your career aspirations depend on landing a job at a large law firm, then yes, these grades will be pretty important because firms tend to base interview decisions on how strong

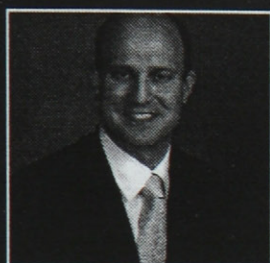
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TUESDAY NOVEMBER 27, 2007



"Practicing in IP Law"

by Mtre. Daniel A. Artola

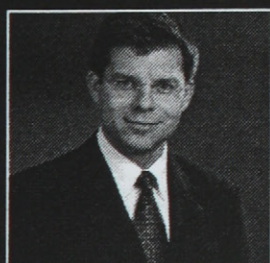
TUESDAY JANUARY 8, 2008



"Practicing in Employment and Labour Law"

by Mtre. William Hlibchuk

TUESDAY FEBRUARY 5, 2008



"International Arbitration and Business Law on a global scale"

by Mtres. Martin J. Valasek and Stephen J. Kelly.



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your report card is. I know they call it a transcript at this level, but that's just a fancy term for a report card with a watermark on it. If you care to pursue an academic path, clerk at the Supreme Court, or just win a scholarship, then you'll need to do pretty well. Good grades aren't a guarantee of anything, but bad ones don't help you very much. The minute you decide to work for yourself after your call to the Bar, your grades don't really matter anymore. And if they do matter that much to you and your judgment of your ability to be a good lawyer, you need help.

If you (wishfully) take away the hype other people (read: firms and institutions) put on your grades you'll learn that grades signify nothing more than your ability to write an exam. The student who gets an A happened to write a really good one, had a great summary, or just a really great day. Doesn't mean he's smarter, or will make a better lawyer. He'll just have an easier time getting interviews. I got a B+ in Tax because I wrote a communist argument about

taxing capital gains at 100% on principles of tax neutrality. Am I destined to be a tax lawyer? Christ, no – I can't even do my own taxes let alone comprehend my own T-4 slip. Whenever people are graded relative to each other, it's a law of statistics that someone has to be the champion, and someone has to bring up the rear. Most people fall somewhere in the middle – and so the chances of getting straight A's are about the same as the chances of getting straight C's.

Speaking of statistics, consider that if grades were truly indicative of ability, there would only be a handful of lawyers practicing law, and they'd all be at large firms. The rest would be bankrupted by malpractice claims. If 20% of the class can have a B+ average or better, and the employment rate for law students hovers around 90% (or better), then students with grades less than a B+ still manage to find work somewhere. There are a scary number of mediocre lawyers making better than mediocre livings, so don't feel that your career prospects come

down to excellence or bust.

This is all to say that so long as you aren't the kid getting straight C's, you'll get hired somewhere, and you will get called to the Bar. You'll be able to practice law, and that's the most important short-term goal – get licensed. I can tell you from experience, when you're before a judge, the court could care less what your transcript says, and the same goes for where your law degree is from.

I remember a saying about the career paths of different students: "The A's teach, the B's get hired, and the C's get all the money." Each letter has made more than one appearance on my law transcript, and since I'm a graduate student now and had a post-articling job offer that I turned down, perhaps I'm due for a little bit of the C-lifestyle. Here's hoping.

WHO AM I LEARNING ALL THIS FOR?

Cynically, you might say you're learning this for your professor, or you're learning this for the law offices. Both answers won't get you as far. I can't stress this enough, but if you're

here at law school you should be learning this stuff for yourselves and your clients. It doesn't matter what grade you get on the exam because that's not what will get you through practice. It'll help you write memos, but a summer student can do that too and eventually you should realize that distinguishing your skill set from that of a second year law student may be a smart career move. No medical student learns anatomy and physiology solely to crack jokes about "your anus/Uranus" at a cocktail party. They learn their material to save lives, perform surgery, and be someone that those in dire straits count on. If your heart surgeon pulled out his cardiology summary from his third year of medical school in the middle of the operating room, you'd be pretty scared wouldn't you? You expect him to know his stuff cold, and your clients expect the same from you. That's professionalism, and that's what you should commit yourself to from day one. You can be a surgeon of the law too if you set your mind to it.

When you start approaching your casebooks and materials with "how will I use this one day?" you'll find (hopefully) that because you're learning it for yourself, you're going to learn it very well, and very thoroughly, because (for the most part, because for everything is unrealistic) you're engaged in the material and you love what you're studying. It may not pay off before you get your degree, but it will definitely pay off after you hang it on your office wall.

HOW TO MAKE THE MOST OF BEING HERE

This tends to be a pretty subjective answer, but the key seems to be to make room in your life for things other than your studies. It doesn't mean to shun academic pursuits outside of your lectures and your readings, but instead you should find the time to get involved in things. This building is too spacious to have nothing else going on within its walls. Get involved in things – legal or non-legal (note I didn't say illegal – learn the difference). You may find your interests lie in a particular area, and while you may not choose to make the Sierra

Legal Defense Fund your burning career desire, you may decide to stay involved in it and help out from time to time while you try and make a living. Attend guest lectures whenever you can, especially the ones the Faculty makes accessible to the general student population. You'll hear things that involve the law, but there will be an extension of what you're learning in class, and you'll get a glimpse of the kinds of things people think about in this profession. The important part is to open your mind to different things while you're here and you may be pleasantly surprised by what you find. (Blatant pitch: I highly suggest you get involved in Actus Reus, and if you missed it this year, do it next year).

As a practical matter, I suggest you seek out any advocacy opportunities that you can find. You'll learn a lot of substance within these hallowed halls, and you'll learn a lot of paper-based things at the office, but opportunities to learn advocacy at a young stage of your career are decreasing because litigation, especially business litigation,

can be very complex and thus handled by senior lawyers, so there aren't many opportunities for young lawyers to actually get into court early on during articling. This problem is compounded by the fact that mediation and settlement are taking over from the courts as the avenue for resolution. The more you can learn now about how to interview people, get your facts, develop your theory of the case, and make a solid argument in front of someone else, the better this will serve you in your career. I suggest Student Advocacy as a great place to start. You'll be doing more trials than appeals when you start out, so learning those litigation skills offers you something extra that you won't get from doing a moot.

If you're fortunate enough to speak French (I only speak Ontario French, which means virtually nothing beyond, "Je suis, Tu es, Il est Elle est"), when you have some free time, go to court downtown once in a while. Watch the process and see what goes on – as Yogi Berra said, "You can learn a lot by observing."

You'll be surprised how much you take in. Take a trip to the Supreme Court too and picture yourself there one day. Who knows, your classmates may wind up on the bench hearing your argument.

Take some time to talk with your professors outside of class. It doesn't mean you should hound them, but you have tremendous intellectual resources at your disposal which when capitalized on, can really expand your mind. It helps colour in your education. If you have any ambition of securing a reference letter from a professor, start building a rapport with them early.

And most importantly, take time out to have some fun. I know you know this, but some people still don't. If you camp out in the library for the whole year and wind up getting less than top marks, you may see your first year as a disappointment. But if you spread yourself out a little, you won't resent yourself for forgoing opportunities to grow and experience things. You only get one crack at law school, so do it right, but make some time to stop

and smell the roses. If you don't do it your first year, you'll still have time in the years to come. I put myself on a schedule in my first year and treated it like a job. I'd work during the day, get my readings up to date, and then take time off to let the material sort itself out in my head. If I

cheated during the week and took off six hours to get drunk, then I owed myself time on the weekend.

FINAL THOUGHTS

Congratulations on getting this far and don't worry. The hardest part about law school is getting in. Once you're there it's up to you, and in the end the

competition is only with yourself. Don't get caught up in what others are doing and keep up your recipe for success. I leave you with the line I told my classmates at the beginning of our first year: "No matter what happens, no matter what they throw at is, just remember that law school is

just one big party." Sounds crazy, I know – they thought I was either on crack or terribly naïve, but it's about having the right attitude, and by the end of the year I had everyone wishing they had believed me sooner as it would've saved them a lot of stress and concern. ■

THE THUNDERSTORM ARTICLE

by Ilan Gabizon (LAW III)

Since my first day at McGill, I became aware that there is a certain bias against Liberal Arts students. We are derided as losers, with our minds in the clouds, studying useless things.

In the days following my acceptance to McGill Law, I had a conversation with a high school friend of mine, who was completing his degree in science (BSc). I asked him what he thought of Liberal Arts students, and he replied, "they are not even people" (He really said this). Then I asked, "But how then can you tolerate sitting here with me?" He replied, "Well, it's only because you got into Law." Oh ok. So it is only because now I shall presumably focus my mind on practical things (aren't we all destined for corporate law?) that I am worthy of consideration.

This may seem overstated, but it is reflective of the general mindset

of our society. We live in materialistic times. Money governs everything. Thought is subordinate to the mindless pursuit of money. Our society does not encourage us to think, or to question, but merely to regurgitate – to *follow*. Indeed, the essence of a society is conformity – the creation of a *they*.

Here's another anecdote. I was on the train, conversing with another science student (he could just as well have been a Management student). He was laughing at me because I was upholding the merits of philosophy. "Philosophy is stupid, Ilan. Ha ha ha!" Well, perhaps he is not aware that much of what he learns is premised upon philosophical assumptions. Science is taught based on a purely naturalistic outlook. And there is nothing inevitable about this; it is simply the way we want science to be. But no one tells science students this.

They are taught that everything they learn is 'objective.' They come with their confident arrogance – the 'enlightened' amongst us all. Little do they know that these philosophers (Hume, Nietzsche, Sartre, Camus...) have (unfortunately) shaped the way we think today. Little do they know that they are the direct products of these ideas. They are laughing at themselves, these nincompoops!

Critical thought causes things to appear in a different light. Nothing is inevitable anymore. We are suddenly able to see beyond the weak justifications that society offers us...

Let us say you are Jewish, or perhaps a Catholic, and I ask you: "Why do you attend Synagogue/Church?" If you answer, "Because I am Jewish/Catholic," then that's the wrong answer! Do not pass GO, do not collect \$200! That answer is tantamount to me claiming to be

pro-life because I am a conservative. It is not really saying much at all. And this is all too common a response. It demonstrates a lack of insight – that maybe, just maybe, one's ancestors were WRONG, and that the truth may lie elsewhere... Since when was truth hereditary anyway?

Here's the point: It is possible that your dearest is (unknowingly) telling you a lie; it is possible that your brilliant professor is wrong. More importantly, it is CERTAIN that our society is crumbling. Our schools are raising professionals, not thinkers – conformers, not intellectuals. We are teaching people not to care about metaphysics, but to dwell instead on balance sheets and prospectuses...

And why has this happened? Because we have killed God. Or at least we have tried to, with all our might, with all our longing. But He is still here, alive and well...■

GRADING ZEN

by **Monika Rahman (LAW III)**

"I think the big mistake in schools is trying to teach children anything, and by using fear as the basic motivation. Fear of getting failing grades, fear of not staying with your class, etc. Interest can produce learning on a scale compared to fear as a nuclear explosion to a fire-cracker."

Stanley Kubrick

Autumn is here. Leaves are gasping their last breath, and those of us in third year are just starting to pick up the pace as we make it past the 30-kilometre mark and run those final 12.195 kilometres to the finish line of this wretched legal marathon. Well, actually, no. What I've gleaned from my conversations around the faculty is that what we third years are really doing is more like a sluggish, desperate crawl to the finish line. Motivation = zero. (Can someone explain to me why law school is not two years long?)

But I'm glad that there is a good ol' grade debate brewing in the air, because that should get our blood pumping. Because at law school we really, really, really care about grades, especially at a time when we're all fighting to get jobs that will allow us too to work inhuman hours, neglect our family and friends, increase our chances of divorce and become alcoholics (oh, and make lots of money).

Last week, two of our LSA execs, Hilary Johnson and Léonid Sirota, reported back to us about our administra-

tion's continuing efforts to convince us that there is nothing actually wrong with grading at this faculty. After reading this article, most of us took a moment to sit back, shake our heads and roll our eyes, and then we eagerly went back to Facebook to update our status.

It is this very student apathy, which naturally increases over the gruelling 36 to 48 months we must spend in these dim and yellowed halls, that the administration counts on to get through yet another batch of activist students who want to take on the system. Maybe one batch will eventually be successful, but it will require a much more imaginative audience. Our faculty really has no reason to address the system that has produced the current grading distortions (as outlined accurately in Hilary and Léonid's article), as most of them would not actually be in the positions they currently fill if they hadn't performed extremely well in law school – that is, if they hadn't been affirmed by the very system we are condemning.

This is the essence of systemic wrongs – they are perpetuated by those who benefit or have benefited from the system in the past.

Of course, we are also part of the problem, for as much as we loathe being defined by numbers, we are simultaneously hungry for it.

"Please!" we cry, "Define me! Grade me! Tell me I'm a 3.4, not a 2.4, no!" Whether we

receive a good mark and allow it to make us feel good about ourselves (and, as a natural corollary, smug), whether we receive an average mark and slink away feeling mediocre, or whether we receive a bad mark and allow a set of numbers on a page to make us feel like we are less worthy of working at a pompous Bay Street firm or an equally competitive human rights organization – the totality of these reactions equally contributes to the power of this terribly distorted system to change our self-perception and delude us about the ostensible certainty of our future paths. Our depressingly predictable reactions confirm the grading system's continuing legitimacy.

This may be a fruitless quest, but I would like to encourage my fellow students to try and take away the power and legitimacy of this grading system by changing how we perceive it and ourselves. For if we can achieve this feat, we will have achieved more than just fairness at the Faculty: we will have challenged the hierarchical principles that fuel our profession's perennial propensity to make its members unhappy. As one wise professor told me on a lazy summer day as I mulled over my prospective career options, "Don't take yourself so seriously and things will work out."

I would like to sincerely thank Hilary and Léonid for venturing to take on this notoriously drama-inducing issue, and for providing the student body with a candid update of their discouraging encounters with our Faculty's administration. I think it is very worthwhile to try to enhance transparency

in the institutions that affect our daily lives. I applaud those of you who continue to muster the energy to attempt to effect real change at this faculty, but I think I will save my own efforts for after law school. ■

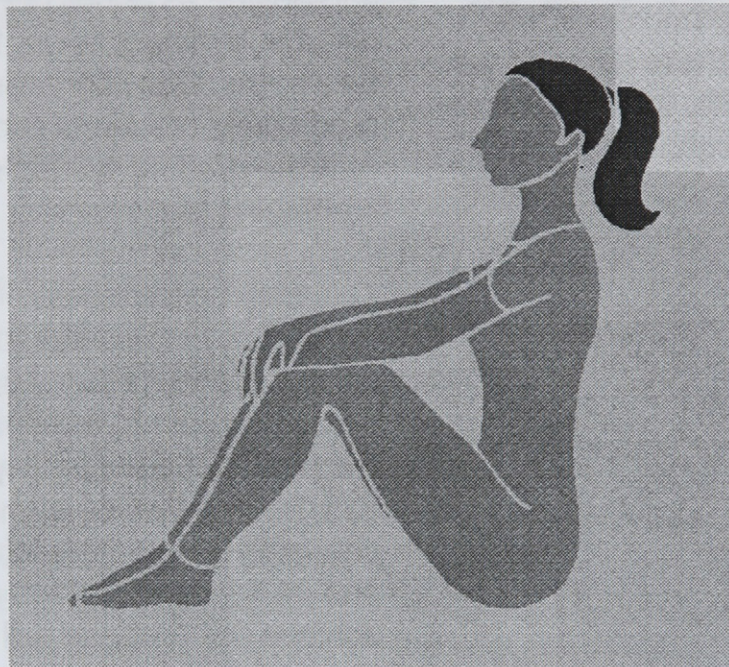


Take a deep breath!

McGill Law's Student Well-Being Committee Presents

Yoga at McGill Law

*A Relaxation Workshop with Montreal Yoga Instructor David
Flewelling*



Wednesday, 7 November 12:45 - 1:45 pm

Room 16, Old Chancellor Day Hall

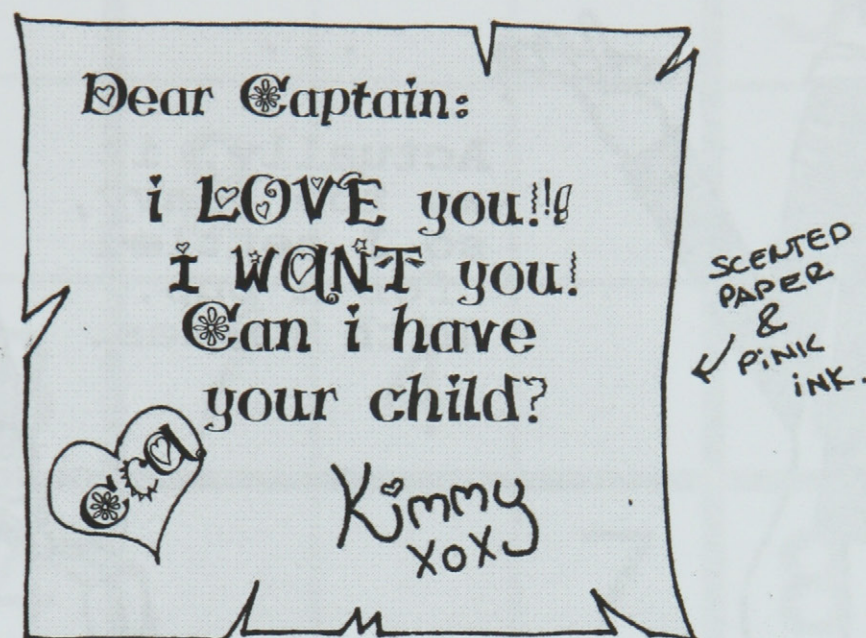
Please wear comfortable clothing that allows for movement.
Yoga mats will be provided. Beginners welcome.

Space is limited. RSVP to wellbeing.mcgill@gmail.com by 2 November.

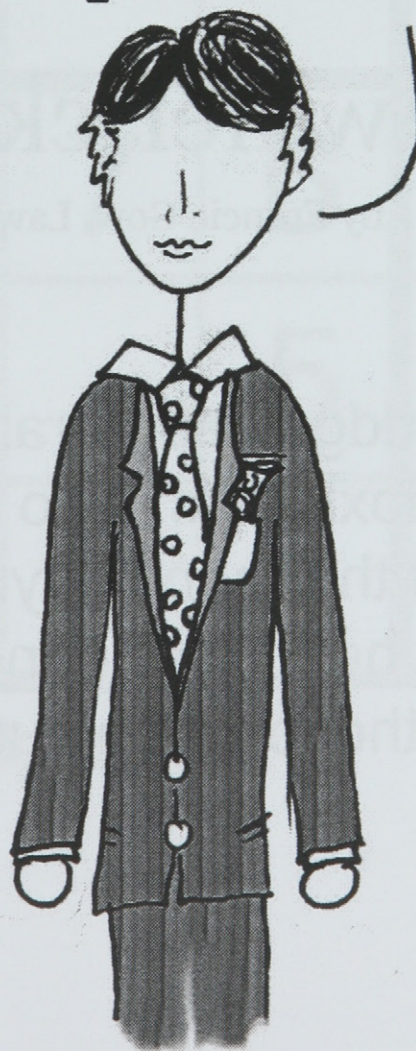
Event is open to the McGill Law Community.
Please ask Natalie Haras or Aryana Rousseau
if you have any further questions

LES AVENTURES DU CAPITAINE CORPO- RATE AMERICA

par Laurence Bich-Carrière (LAW IV)



Of course you can. *Kimmy xoxo*
Expect a "fragile" package
by mail anytime soon...

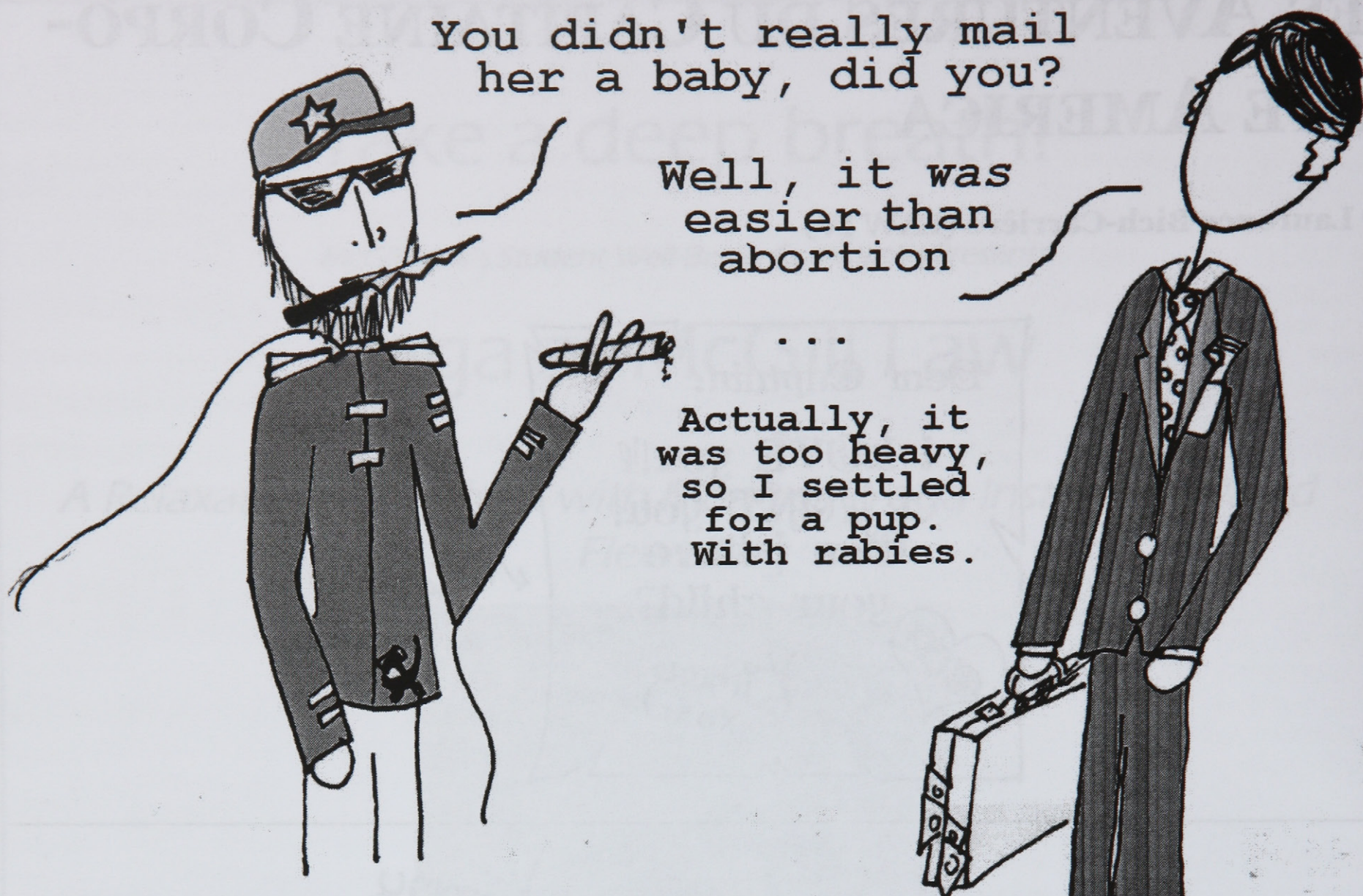


You didn't really mail
her a baby, did you?

Well, it was
easier than
abortion

...

Actually, it
was too heavy,
so I settled
for a pup.
With rabies.



Lawmerick VII

by Francie Gow, Law IV

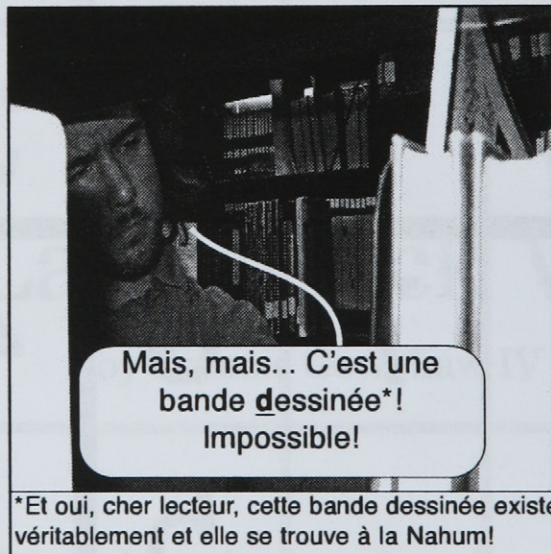
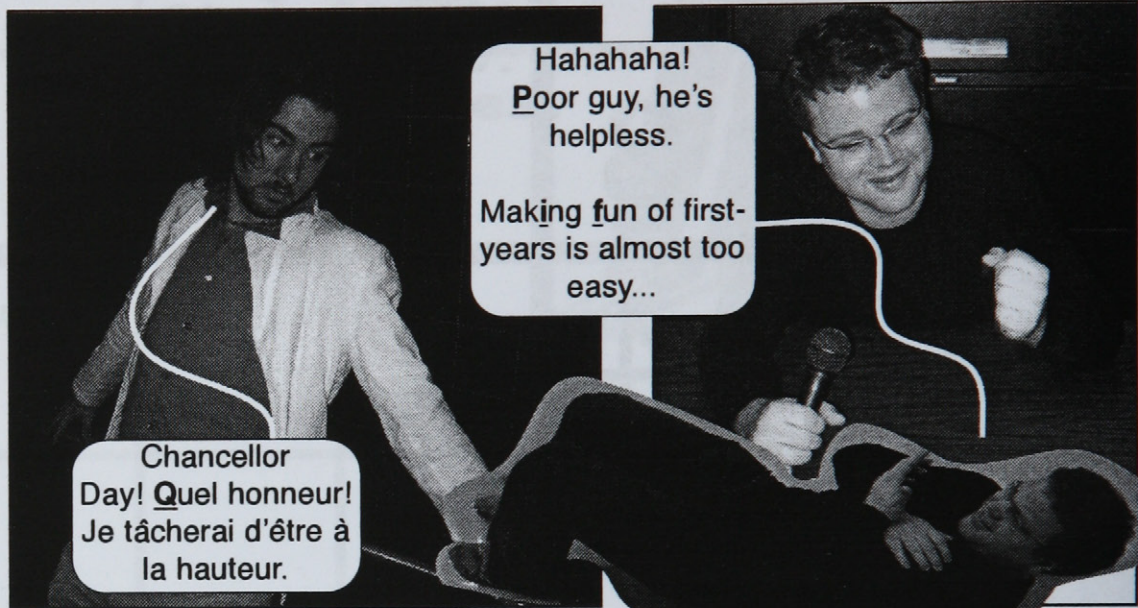
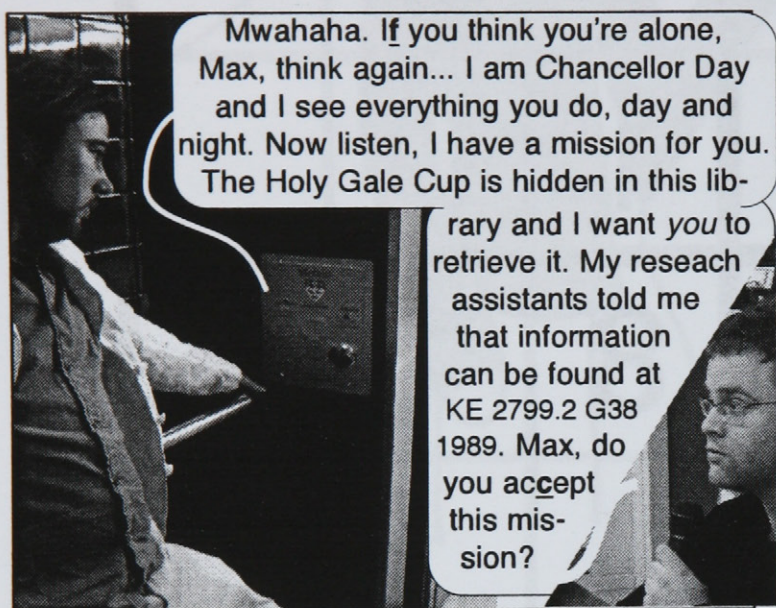
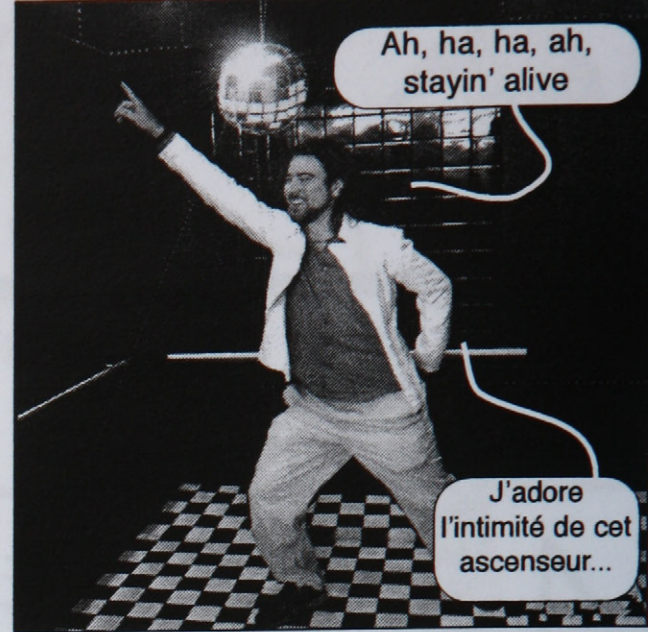
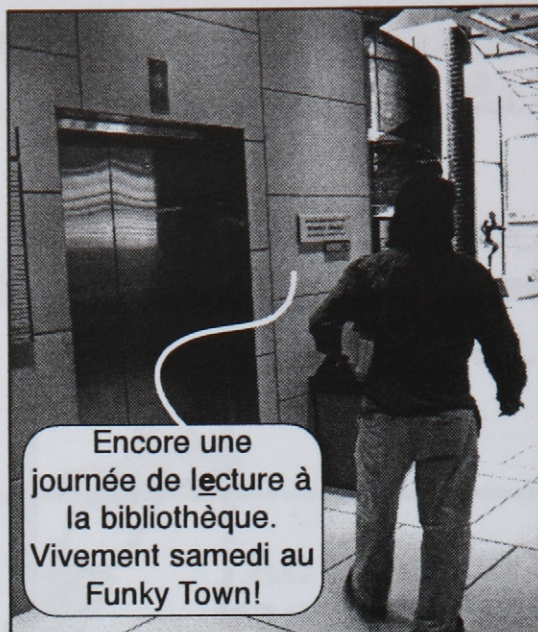
Games of bridge keep brain power robust
Antioxidants: also a must
But the mental gyrations
You need for Foundations
Leave all those techniques in the dust

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Daily SuDoku: Mon 22-Oct-2007

hard





Max: Olivier Cournoyer Boutin (U1), Garth: Frédéric Wilson (U4), Guenièvre: Érika Bergeron-Drolet (U2). Victime invitée: Roderick A. Macdonald. Conception: Marguerite Tinawi (U3) et Laurence Bich-Carrière (U4). VEUILLEZ NOTER QUE CE PHOTOROMAN EST CODÉ. UN PRIX ATTEND CELUI QUI DÉCHIFFRERA LE MESSAGE ET NOUS ENVERRÀ LA SOLUTION PAR COURRIEL. Indice: Baigent v. Random House Group Ltd., [2006] EWHC 719.



Heenan Blaikie

The best workplace
is where you'll find the best people.
As a team, everyone contributes
to our success. Come join us
and make our team even stronger.

Heenan Blaikie

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